

REMARKS

Claims 1-30 are pending in the application. Of these pending claims, Claims 15-20 are allowed, Claims 1 and 8 are rejected, and Claims 2-7 and 9-14 are objected to. A minor amendment has been made to the specification to simply overcome the objections to the specification. Claims 2 and 9 have been rewritten in independent form including the limitations of the base claim and are believed to be in condition for allowance. Furthermore, Claims 2 and 9 are believed to be of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

SPECIFICATION

The specification stands objected to for a certain informality. Applicants have amended the specification accordingly. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Willard (U.S. Pat. No. 6,659,534) in view of either Shaw, et al. (U.S. Pat. No. 6,595,574) or Humber, et al. (U.S. Patent No. 165,609). This rejection is respectfully traversed.

At the outset, Applicants wish to note that Claims 1 and 8, as amended, claim "a locking mechanism operable to selectively retain said top stack mechanism in said

retracted position to generally prevent movement of said top stack mechanism, said locking mechanism being positionable in an unlocked position where said top stack mechanism is free to move relative to said locking mechanism and a locked position where said top stack mechanism is coupled with said locking mechanism in response to movement of the tonneau cover into the closed position to prevent relative movement of said top stack mechanism and said locking mechanism." It is clear that neither Willard, Shaw et al., nor Humber et al., either singly or in combination, a locking mechanism that retains a top stack mechanism in response to movement of a tonneau cover into a closed position, which possesses the distinct advantages of the present invention. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 2-7 and 9-14 would be allowable if rewritten in independent form. Accordingly, Applicants have amended Claims 2 and 9 to include the limitations of the base claim and any intervening claims. Therefore, Claims 2-7 and 9-14 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 16, 2004

By: Jeffrey L. Snyder
Monte L. Falcoff, Reg. No. 37,617
Jeffrey L. Snyder, Reg. No. 43,141

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JLS/smb